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EAST AFRICA PROTECTORATE.

NOTICE.

THE following Regulations made by His Majesty's Commissioner, and allowed by the Secretary of State, are published for general information.

C. ELIOT,

His Majesty's Commissioner.

Mombasa, April 12, 1902.

KING'S REGULATIONS UNDER ARTICLE 45 OF "THE EAST AFRICA ORDER IN COUNCIL, 1897, AND ARTICLE 11 OF "THE EAST AFRICA ORDER IN COUNCIL, 1899."

No. 9 of 1902.

Mining.

Short title. 1. These Regulations may be cited as "The East Africa Mining Regulations, 1902."

Interpretation. 2. In these Regulations the following terms shall have the respective meanings hereby assigned to them, unless the context otherwise requires, that is to say:—

The term "the Protectorate" means the East Africa Protectorate.

The term "the Commissioner" means His Majesty's Commissioner and Consul-General for the Protectorate, or the person for the time being acting as Commissioner and Consul-General.

The term "the Government" means the officers administering the Protectorate severally and collectively.

"Land-owner" means owner of land subject to a reservation of minerals, and includes a lessee of Crown land subject to a reservation of minerals.

The term "public field" or "mining centre" means the proclaimed area thrown open by lawful authority for digging and mining.

The term "claim" means that portion of a public field on which any person has obtained a licence to dig or mine, and which has been lawfully taken up and occupied under and by virtue of the provisions of these Regulations.

The term "prospecting area" means a rectangular four-sided area, no side of which shall exceed 600 yards in length.

The term "European" means a person of European birth or parentage.

The term "the 'Gazette'" means the Gazette of the Protectorate.

The term "mining purposes" means the purpose of searching for, mining, and removing gold, silver, precious stones, ores, metals, coals, and all other minerals, and of carrying out such works.

The term "prescribed" means prescribed by Rules made under these Regulations.

The term "person" shall include any body of persons, corporate or unincorporate.

The term "native" has the same meaning as in the Orders in Council for the time being applying to the Protectorate.

3. All rights of underground working under these Regulations shall be limited by imaginary lines drawn vertically downwards from the surface boundaries.

Lands to which Regulations is applicable.

4. The provisions of these Regulations shall extend and apply to all lands situate within the Protectorate, except—

(*a.*) Lands dedicated to or set apart for any public purpose.

(*b.*) Lands held under grants or leases giving the holder rights of working the mines and minerals which are recognized by the Government.

(*c.*) Lands declared by the Commissioner by notice in the "Gazette" to be exempted from the operation of these Regulations.

Appointment of officers.

5. The Commissioner may appoint an officer, with the title of Commissioner of Mines, and such other officers as may be necessary, to carry into effect the provisions of these Regulations, and may assign to each such officer his duties.

Prospectors' licences.

6. The Commissioner of Mines, or other prescribed officer, may issue a prospector's licence to any person, authorizing him to prospect and search for gold, silver, precious stones, ores, metals, coal, and all other minerals, or any or all thereof, on any lands to which these Regulations apply. Such licence may be granted on personal application, or, in case of renewal, on personal or written application, upon payment, in advance, of a sum of 5 rupees for every six months for which the same is to be in force, and no one shall be allowed to prospect or search for gold, silver, precious stones, ores, metals, coal, or any other minerals on such lands without obtaining such licence: Provided, however, that such licence shall be subject to any Regulations for the time being in force, and provided such licence shall not authorize the sale or other disposal of any gold, silver, precious stones, ores, metals, coal, or any other minerals so discovered; and every holder of a prospecting licence shall have the right of grazing for six horses or mules, or for sixteen oxen, and of taking wood and water for his domestic use, free of charge on Crown lands, and if on any other lands, on payment to the owner or occupier of the land where such licence is exercised of 8 annas per diem: Provided, however, that the prospector shall only exercise the rights conferred on him by this section on the land at the place or places indicated by the Collector of the district or the owner, as the case may be.

Limitation of rights conferred by prospecting licence.

Disputes as to rights of owners and prospectors to be determined by Commissioner of Mines.

7. If any question shall arise between the owner or occupier and the prospector as to their respective rights, or as to the suitability of land indicated by the owner, they shall be determined by the Commissioner of Mines or other prescribed officer.

Bond to be entered into by prospector.

8. Any person applying for a prospecting licence for the purpose of prospecting the land of any owner shall, at the time, enter into a bond with two sureties to be approved by the Commissioner of Mines, or other prescribed officer, in the sum of 400 rupees for himself and of 200 rupees for each of the two sureties for the due and proper repair of any surface damage done by him on the land of any owner, and for the due payment of the sum accruing to any owner from the prospector on account of the daily payments such prospector is required to make under section 6 of these Regulations for the grazing, wood, and water rights referred to therein.

Form of such bond.

9. Such bonds shall be as near as may be in the form of Schedule (B) hereto.

Prospecting area.

10. Any person being the holder of a prospecting licence may beacon off for himself a prospecting area, which area he may hold (subject, however, to all such Regulations as may from time to time be in force) until the expiration of the period for which the licence was granted or may have been renewed: Provided, however, that no prospecting area shall be beaconed off on any public field within a distance of 880 yards, though prospecting operations may be carried on within such distance, from any known portion of any discovered reef, or of the site of the discovery of any alluvial gold, diamonds, or precious stones. No person shall at any time occupy more than one prospecting area, either by himself or his servants.

Declaration of discovery of gold &c.

11. It shall be the duty of any person having made any discovery or find of gold, silver, or precious stones whilst prospecting under such licence, to at once make a solemn declaration of the finding of the same, and to lodge such declaration with the Collector of the district in which any such find shall have been made, and any person who shall fail to do so within a reasonable time shall be liable, upon conviction thereof, to a fine not exceeding 500 rupees, or to simple imprisonment for a term which may extend to six months, or to both, and in addition his licence may be forfeited.

False declaration.

12. Any person who shall make such declaration whilst prospecting or otherwise, well knowing that the gold, silver, or precious stones declared to have been found were, by himself or by some other person, placed or deposited in or on the spot, or in the soil or stuff dug out or removed from the spot in which such declarant was prospecting, or in which the discovery of such gold, silver, or precious stones is declared as aforesaid to have been made, and were not naturally situated in or on the spot, or in the soil or stuff in which they were declared to have been found or discovered, or well knowing that the said

precious stones or minerals were not found or discovered in or on the place where they were declared to have been found or discovered, shall, upon conviction, be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Fraudulent acts.

13. Any person who shall wilfully place or deposit, or be accessory to the wilfully placing or depositing, of any gold, silver, or precious stones in any spot or place for the purpose of inducing any person to make such solemn declaration as aforesaid, or for the purpose of misleading the Government as to the payable nature of a spot or place where gold, silver, or precious stones have been declared to have been found, and previous to such spot being proclaimed an alluvial digging, or mine, or being let out on a lease as hereinafter provided, shall be liable to the same punishment as for an offence under this last preceding section.

Proof of fraudulent acts.

14. In any proceedings taken for the contravention of the last preceding section, if the accused person shall be proved to have placed or deposited, or to have been accessory to the placing or depositing, of any gold, silver, or precious stones in any place where the finding thereof would be likely to lead any person to make a declaration of the finding of the same, or would tend to mislead the Government, he shall be taken to have so placed or deposited such gold, silver or precious stones in contravention of the last preceding section, unless he shall produce satisfactory evidence to the contrary.

Proclamation of mining centre or public field.

15. It shall be lawful for the Commissioner from time to time, by Proclamation, and when satisfied as to the existence of gold or silver ores or precious stones in payable quantities, to constitute and appoint any portion of the territory to be a mining centre, or public field, under these Regulations, to assign boundaries to such centre or field, to enlarge, contract, or otherwise alter such boundaries, and to declare by what local name, if any, every such mining centre or field shall be designated, and to abolish altogether such mining centre or field.

Proclamation no guarantee.

16. The proclaiming of a mining centre or public field by the Commissioner does not carry with it any guarantee of the existence of gold, silver, or precious stones in payable quantities on such mining centre or field.

Prospectors' claims.

17. Any holder of a prospecting licence who shall have complied with the provisions of these Regulations, and who shall prove to the satisfaction of the Commissioner of Mines, or other prescribed officer, that he has found any gold, silver, or precious stones under such licence, shall, on abandoning his prospecting area, be entitled, instead, to select five alluvial or seven quartz claims at the place where such gold, silver, or precious stones shall have been found, and shall receive a certificate from the Commissioner of Mines that he is so entitled. Such claims shall be marked off and registered as prospectors' claims: Provided, however, that in no case shall such a discoverer be entitled to select such claims, or receive any such certificate, should his discovery be situated within a distance of 3 miles of any previous discovery for which a certificate has been applied for or granted. The holder of any such certificate, being the original prospector to whom such certificate was granted, shall, whether the claims be included in a public field or not, have the right to work, dig, or mine for gold, silver, or precious stones therein without being required to take out or keep up any prospector's or digger's licence for such length of time as he may remain the owner of such claims. Each of such cliams shall be of the size fixed and determined under these Regulations as the size of a prospector's or digger's claim.

When gold is discovered in payable quantity owner to relinquish his prospecting area and mark off diggers' claims.

18. It shall be lawful for the Commissioner of Mines, or other prescribed officer, when satisfied as to the existence of gold, silver, or precious stones in payable quantity on any prospecting area on any public field, to call upon the owner of such prospecting area to relinquish his prospecting right over such prospecting area, and to take out a digger's licence as hereinafter prescribed. Such owner shall be entitled to mark off his digger's claims upon the site of his prospecting area, and shall be empowered to mark off diggers' claims, not being more than twelve in number, exclusive of his own or prospector's claims.

Commissioner of Mines to decide if gold has been discovered in payable quantity.

19. The question as to whether gold, silver, or precious stones in payable quantity has been discovered on any prospecting area on any public field, shall be determined after due inspection of such area by the Commissioner of Mines, or other prescribed officer, and the determination so arrived at shall, if approved by the Commissioner, be final and conclusive, and not subject to any kind of appeal.

Diggers' licences on public fields.

20. It shall be lawful for the Commissioner of Mines, or other prescribed officer, to issue a digger's licence to any person, authorizing him to dig for gold, silver, or precious stones on any land on any public field not previously occupied under the provisions of these Regulations, whether as prospecting claims or otherwise. Such licence may be granted to any person applying for the same upon payment in advance of a sum at the rate of 20 rupees for each month, or portion of a month. Each licence shall entitle the digger

named therein to beacon off a claim on the public field named in the licence, upon such conditions and in such manner as may be provided by these Regulations, or in Rules under these Regulations.

Any person may take out two licences and purchase claims.

21. Any person shall have the right to take out two licences on each public field, and to hold the same in his own name. He shall also be allowed to hold claims acquired by purchase from other claim-holders.

Amalgamation of claims.

22. Diggers, being holders of adjoining claims being not less than three nor more than twelve in number, who wish to amalgamate their claims, can have the same registered as amalgamated claims on application at the office of the officer appointed for the purpose. When so registered, the share of each digger shall be clearly defined, and the working of one or more of such claims so amalgamated shall be deemed a sufficient compliance with the provisions of the Regulations as to the continuous working of claims.

Transfer of claims.

23. Claims may be transferred from one licensed holder to another, subject to such Regulations as may be in force. Such transfer may be made according to the form in Schedule (D) to these Regulations, and the price of transfer must be declared by the transferor and transferee; but no transfer of any claim shall be recognized until it has been duly registered by the Commissioner of Mines, or other prescribed officer; and such registration is to take place only on payment of a transfer fee of 10 rupees per claim, provided that the transfer of any claim shall carry with it the transfer of the licence, and that the transferee shall continue to pay in advance monthly the 10 rupees payable on such licence, In cases of parts of claims transferred, the licence payable to be apportioned and included in a new licence to be granted for the sub-division, each such transaction to be indorsed on the transferor's licence.

A digger having transferred his claims may take out new licences.

24. A licensed digger who may have tranferred his claims shall be at liberty to take out such new digger's licences as he may under the provisions of these Regulations be entitled to hold. For the purposes of this section an amalgamation shall be considered as a transfer.

Diggers' Committee.

25. At every public field, and in every district at or in which there shall be more than twenty-five registered claim-holders or licence-holders, such persons shall, upon an application made in writing to the Commissioner, and signed by not less than two-thirds of the whole number, and, upon such application being acceded to, be at liberty to elect a Diggers' Committee of not less than five or more than nine members, who shall hold their seats subject to such Rules as may be framed under these Regulations, and whose duties shall consist in making Bye-laws for such public field or district, for the management and administration of mining centres or districts, in respect of all local needs: Provided that such Bye-laws shall not injuriously affect the rights or interests of any person outside such centre or district, and such Bye-laws shall not have effect until they are approved of by the Commissioner and published in the "Gazette," or otherwise published as may be determined by Rules.

Chairman of Committee.

26. The principal officer in the department of Mines under whose superintendence the public field is shall be Chairman of the Diggers' Committee, with a casting vote in case of equality of votes.

Qualification for membership.

27. Save as hereinafter excepted, every registered claim-holder or working prospector shall be eligible to be a member of a Diggers' Committee, and every claim-holder or working prospector shall have one vote, and no more, in the election of members of such Committee.

Disqualification.

28. No claim-holder or working prospector shall be eligible as a member of a Diggers' Committee, or be a voter for members thereof, whose estate shall be sequestrated as insolvent, and if after election any member shall cease to be a claim-holder or working prospector, or shall become and be declared insolvent, his seat shall, *ipso facto*, become vacant. No claim-holder or prospector shall be entitled to vote for, or to be elected as, a member of a Diggers' Committee unless he is engaged in actual prospecting or digging upon such public field or in such district on his own account or for others.

Owner of private land to receive half licence moneys.

29. The owner of any private land included in any public field shall receive one-half of the amount paid to Government for stand licences or other fees payable in respect of such land.

Owner may prospect without a licence on his own lands.

Owner may not throw open his land to the public.

30. Every owner of land subject to a reservation of minerals shall, on giving notice to the Commissioner of Mines, be entitled to prospect his own land or holding within the boundaries of his own property, without taking out a licence. No such owner or lessee owner shall be allowed to throw open his ground to the public as a public field, either in respect to alluvial or quartz diggings, nor shall he permit any digging or mining on any portion of his land, except under the provisions of these Regulations and any Rules issued thereunder.

31. Every owner on discovering gold, silver, or precious stones on his own land, shall make such declaration as is required of the licensed prospector in section 11.

Owner to declare a discovery.

32. The owner of any land which has been proclaimed a public field, or annexed to an already existing field, shall, after the prospector has beaconed off his prospector's and diggers' claim, be entitled to beacon off certain claims, to be known as owners' claims, according to the extent of the said land, to wit—one claim for each 100 acres: Provided, however, that the number of owners' claims shall in no case be less than two nor exceed twelve in number, which must be worked in compliance with all the Rules and Regulations as to claims and the licences requisite therefor. In all cases the prospector shall have first choice of site of claims; the owner shall then select and beacon off such claims as he may be entitled to, and thereafter the holders of diggers' licences may beacon off claims in terms of the provisions of these Regulations and any Rules made thereunder.

Owner's claims on a public field.

33. There shall be exempt from the operation of these Regulations all land upon which any house or buildings have been erected, and the land immediately adjacent thereto, as also all water furrows, gardens, orchards, or cultivated lands or plantations: Provided, however, that the owner of any such land so exempted may, in consideration of compensation, waive all claim to such exemptions. In all cases the water supply of the owner of any land on a public field shall be reserved, so that he shall retain sufficient for his household, his stock, and for any water-mill already erected, and the irrigation of such gardens and land as were under cultivation at the time of the proclamation of such land as a public field. If any question shall arise as to water supply, it shall be determined by the Commissioner of Mines or other person deputed by him.

Exemption of lands on which buildings, &c., are erected.

34. The Commissioner of Mines shall have the power, and is hereby authorized, on the application of any person holding a digger's licence, to do the following acts on or with respect to any public field:—

Commissioner of Mines may authorize the erection or construction on Crown lands or land of owner of—

(*a.*) To lay out lines of road, which shall be made and maintained and used with such fencing, bridges, and for such period and by such persons as the Commissioner of Mines may determine. A railway or tramway may be laid down and constructed upon any such road, and be worked with locomotive engines or other motive power.

Roads, bridges, &c.

(*b.*) To enter upon any lands, and to authorize the construction thereon and therein of pits, shafts, levels, drives, tunnels, excavations, and to allow all and every kind of mining operation to be carried on.

Pits, excavations, &c.

(*c.*) To enter upon any lands, and to authorize the cutting, constructing, and using of drains thereon, and of water-races, dams, and reservoirs, and the taking or diverting water from any spring, pool, or stream situate in or flowing through such lands, and in order to use such water for mining purposes.

Drains, water-races, &c.

(*d.*) To exercise, and authorize the exercise of, any rights of the nature of easements in connection with mining operations upon any lands.

Easements.

35. All expenses of making and maintaining any such road, or constructing any pit, shaft, level, drive, excavation, or other kind of mining operation, of constructing water-races, dams, and reservoirs, and of exercising any rights of the nature of easements in connection with mining operations, shall in each case be borne by the applicant, who shall, before the application is granted, deposit on account of such expenses such sum of money as the Commissioner of Mines may require.

Expenses to be borne by the applicant.

36. The Commissioner of Mines shall only exercise the powers by section 34 conferred upon him in such cases as he may consider it to be of advantage to the public interest that facilities as aforesaid should be allowed to any person so engaged in mining.

Powers to be exercised only for public advantage.

37. If anything proposed to be done, or done, under the powers by section 34 conferred, shall be calculated to be, or shall be, prejudicial to the owner or occupier of any land, such owner or occupier shall be entitled to full compensation for any loss thereby sustained, or to be sustained, by him in respect of such land from the person or persons applying to the Commissioner of Mines, and doing, or proposing to do, such act. Each claim for compensation shall, if not settled by agreement, be determined by an arbitrator to be appointed by the parties or, in case they cannot agree in such appointment, by the Sub-Commissioner of the province.

Compensation for loss for acts under section 34.

38. If a part only of any lands comprised in a lease for a term of years unexpired shall be required for the purposes of these Regulations by the owner of the land, or for admitting thereon of licensed prospectors, or under section 34 of these Regulations, the rent payable in respect of the lands comprised in the lease shall be apportioned between the lands so required and the residue of such lands. Such apportionment may be settled by agreement between the lessor and the lessee, and if not so settled by agreement, then by the Sub-Commissioner of the province in which such lands are situated, subject

Apportionment of rent where owner requires part of land under lease.

to appeal, as hereinbefore stated. And after such apportionment, the lessee shall be liable for so much only of the rent as shall be so apportioned in respect of the land so required; and all covenants, conditions, and agreements in such lease, except as to the amount of rent paid, shall remain in force in regard to that part of the lands not so required as aforesaid, in the same manner as if such part only of the lands had been included in the lease.

Compensation to lessee.

Every such lessee shall be entitled to claim compensation for the damage done to him in his tenancy by reason of severance of the land so required from that not so required, and otherwise by reason of mining and prospecting thereon.

Reservation of owners or occupiers' rights.

39. In all cases in which the taking or diverting water from any spring, pool, or stream shall affect the water supply of any owner or occupier of land, such owner or occupier shall be entitled to retain, and have reserved, and to use sufficient for his household requirements, his stock, and the irrigation of such cultivated land or gardens as were under cultivation or ordinarily cultivated at the time of the taking and diversion aforesaid, and also for any water-mill already erected. If any question shall arise as to the water rights of the owner they shall be determined by the Commissioner of Mines.

Mining leases.

40. The Commissioner may grant to any licensed person, who has prospected to the satisfaction of the Commissioner of Mines, and subject to the provisions of these Regulations, a lease of any lands for mining purposes, or for cutting and constructing thereon races, drains, dams, reservoirs, roads, or tramways to be used in connection with any such mining, or for erecting thereon any buildings or machinery to be used for mining purposes, for pumping or raising water from any land mined or intended to be mined upon, or for any or all of those purposes, and also for residence in connection with any of such purposes, for any term not exceeding twenty-one years, terminable on six months' notice by the lessee, and upon the terms and conditions prescribed by any Rules framed under the provisions of these Regulations, and the Commissioner may grant a renewal of the lease from time to time for a further period of not exceeding twenty-one years upon the terms and conditions allowed by law in the case of new leases at the time when such renewal is granted.

Definition of "gold mining and mineral leases."

41. All such leases granted for the purpose of mining for gold, silver, or precious stones, or for any of the purposes aforesaid connected with such mining, shall be called "mining leases," and all such leases granted for the purpose of mining for any metal or mineral other than gold, silver, or precious stones, or for any of the purposes aforesaid connected with such last-mentioned mining, shall be called "mineral leases."

Royalties.

42. There shall be payable to the public revenue of the Protectorate, through the Commissioner of Mines, a royalty upon all gold, silver, precious stones, ores, metals, coal, and all other minerals, found in and extracted from any land not being a public field, to wit:—

(*a.*) On gold, a royalty of 2 rupees per ounce.
(*b.*) On silver, a royalty of 2 annas per ounce.
(*c.*) On diamonds, a royalty of $2\frac{1}{2}$ per cent. upon the value thereof.
(*d.*) On coal, a royalty of 8 annas per ton.
(*e.*) On other precious stones, ores, metals, minerals, such royalty as the Commissioner may fix.

These royalties are subject to such alteration as the Commissioner may see fit to make from time to time.

Accounts to be rendered.

And it shall be the duty of any person mining for such gold, silver, precious stones, ores, metals, coal, and all other minerals to render all such accounts as may be required by the Commissioner of Mines, and to pay such royalties at the end of the months of March, June, September, and December in each and every year.

Half-rents, &c., payable to owner.

43. One-half the amount received by the Government on account of the rents for mining or mineral leases granted over any private land shall be paid to the owner of such land, as well as one-half of the royalties received by the Government, if and in so far as such royalties do exceed the amount of rent payable.

Closing of a public field

44. A tract of land once proclaimed a public field or annexed thereto as a portion thereof shall not be directed to be closed unless the population of European birth or descent thereon be reduced to less than one person for every 40 acres. No such public field shall be closed until three years from the publication of a Proclamation directing such closing, and the rights of remaining diggers shall in all such cases be considered, and further time if requisite be granted them for working their unexhausted claims, all in terms of Rules framed under these Regulations.

Extent of claims.

45. The extent of a prospector's or digger's alluvial claim shall be 150 feet by 150 feet, and each claim shall be properly beaconed off at the four corners with pegs not

less than 2 inches in diameter, and standing not less than 3 feet above the ground. The number of the claim, the name of the owner, and the date of pegging off must be duly marked on each peg, such peg being marked with the cardinal point of bearing. The extent of a prospector's or digger's quartz-reef claim shall be 150 feet along the reef, and 400 feet across or on one side of the reef as may be desired. In respect to quartz-reef claims, two central pegs, one at either end of the claim will be sufficient beacons for the first thirty days. After the expiration of that time, four corner pegs must be substituted, and the direction must be indicated by clearly defined beacons. In the case of quartz-reef blocks of amalgamated claims, four corner pegs shall be sufficient for each block, but the names of the respective claim-holders in the block, or of any trustee or trustees holding for them, or of any Company acquiring such claims, must be legibly marked on each peg, together with the date of amalgamation. No alluvial claims shall be pegged out under power of attorney, and all such claims must be beaconed off, and registered by the person in whose name the licence has been taken out.

Claims not to be pegged out under power of attorney.

46. Any digger on a public field desiring to abandon his claim or claims with the object of marking off a new claim or claims, shall be entitled to do so on withdrawing the pegs of the claims to be abandoned, posting a notice of the abandonment on the ground for at least seven days, and reporting the withdrawal and abandonment, in writing, to the Commissioner of Mines, or his authorized deputy.

Abandonment of claims.

47. Each licensed digger is entitled to a stand for his dwelling in addition to his claims for digging, but the site of his dwelling shall not be a spot known to contain gold, silver, or precious stones. A licensed digger shall, on receiving notice from the Commissioner of Mines, or other officer appointed for the purpose, remove his dwelling within thirty days.

Stands for dwellings.

48. Every person not being a digger, who desires to erect on any public field a store or shop, building, or dwelling-house, or any other kind of erection, may obtain from the Commissioner of Mines, or other prescribed officer, one or more stand licences. Each such licence shall entitle the holder to beacon off a piece of ground in such a locality as may be pointed out by the Commissioner of Mines, or other prescribed officer, so as not to interfere with mining operations on any area known to contain gold, silver, or precious stones. Each stand licence, whether monthly or yearly, at the option of the applicant, must be renewed from time to time. The cost of the stand licence, which shall be in addition to other licences, and the extent of ground included in any stand licence, shall be fixed from time to time by Rules issued under the provisions of these Regulations: Provided that the Commissioner may at any time authorize the sale, by public auction, of stands on any public field; and in the event of such sale, the owner of any private land included in any public field, and entitled under section 29 of these Regulations, to one-half the amount of stand licences paid to Government, shall be entitled to receive one-half of the net proceeds of the sale of such stands by public auction.

Stand licences.

Owner to receive half amouut of stand licences.

49. The cost of licences for wood-cutting on Government lands included in any public field shall also be fixed from time to time by Rules issued under the provisions of these Regulations.

Wood-cutting licences on lands included in public fields.

50. With respect to the cutting of wood on private land included on any public field, an agreement must be entered into with the owner.

Wood-cutting on private land included in public field.

51. Any person or persons, other than those who may be working on land held under a mining or mineral lease, who shall prospect, search for, or dig for gold, silver, precious stones, ores, metals, coal, or any other minerals without being in possession of a licence taken in his own name, shall be liable to a fine not exceeding 100 rupees for each offence, and, on failure to pay the fine, to simple imprisonment for a term which may extend to three months. The onus of proof that he is duly licensed shall rest with the person accused. Each licensed prospector or digger shall exhibit his licence whenever called upon so to do by any officer of the Government, and any person refusing to exhibit his licence shall be deemed to be prospecting or digging without a licence.

Penalty for digging or prospecting without a licence.

52. Any person guilty of illegally altering, shifting, or removing the beacons or pegs of any claim shall be liable to imprisonment of either description, which may extend to three years, or to a fine not exceeding 1,000 rupees.

Penalty for removing beacons.

53. Any person paying his servant in native gold shall be guilty of an offence, and on conviction thereof shall be liable to imprisonment of either description for a term which may extend to three years, or to a fine not exceeding 5,000 rupees.

Penalty for paying servants in native gold.

54. Any person purchasing, trading, or receiving native gold from any other than a person duly authorized, either on a proclaimed public field, or elsewhere within the limits of the Protectorate, shall be guilty of an offence, and shall be liable, on conviction, to

Penalty for dealing in native gold with others than persons duly authorized.

rigorous imprisonment for a term which may extend to five years, or to a fine not exceeding 10,000 rupees.

Penalty inflicted on persons dealing in native gold.

55. Any person not duly authorized so to do, selling, bartering, receiving, or disposing of native gold shall be guilty of an offence, and shall be punished by rigorous imprisonment for a term which may extend to three years.

Disposal of minerals: native gold.

56. It shall be lawful for diggers or miners to dispose of minerals as they may deem fit: Provided that it shall not be lawful to sell or barter native gold to any person or persons other than bankers, or other persons licensed to trade in gold; and all such bankers or licensed persons shall keep a faithful record of their purchases, setting forth the name of the seller, quantity bought, and date of transaction.

Possession of native gold prohibited by others than prospectors, dealers, &c.

57. It shall not be lawful for any person other than a licensed digger, or licensed dealer or lessee, to be in possession of native gold other than in such small quantities as may be reasonably held for scientific purposes or as mineral specimens. Any person found unlawfully in possession of native gold, or gold amalgam, shall be liable to summary arrest by any police officer or any licensed digger, and shall, on conviction, be liable to rigorous imprisonment for a term which may extend to three years, or to a fine not exceeding 5,000 rupees.

Mineral oil wells.

58. In the event of the discovery of mineral oil or oils in the Protectorate, the Commissioner shall have the power to make, promulgate, and enforce such Rules for the proper workings of the wells as from time to time he shall think necessary.

No transfer duty exacted on value of minerals in land sold.

59. Whenever any land owned by any person has been or shall be sold, and the price paid, or to be paid, for such land includes a value put upon gold, silver, coal, diamonds, precious stones, or minerals supposed to be in and upon the said land, no transfer duty shall be charged or exacted by the Registrar of Deeds or other receiver of transfer duty in respect of the price or value of such gold, silver, coal, diamonds, precious stones, or minerals.

Commissioner may make rules.

60. The Commissioner may from time to time, subject to the direction of the Secretary of State make Rules with respect to the following matters, and may apply such Rules, in whole or in part, to the whole or any district or districts of the Protectorate at such time or times as he may think fit:—

(*a.*) The working of mines so as to secure the safety of persons employed in mines, and of the public;

(*b.*) The appointment of Inspectors of mines, and the powers and duties to be exercised by them;

(*c.*) Any matters required by these Regulations to be prescribed by Rules; and

(*d.*) Any matters appearing to the Commissioner to require regulating so as to give effect to the provisions of these Regulations.

By such Rules penalties may be imposed not exceeding in the case of any offence a fine of 500 rupees and imprisonment of either description for a term which may extend to three months, with or without fine.

General saving.

61. Nothing in these Regulations shall be construed as preventing the Commissioner from authorizing any person to prospect and search for minerals on any Crown lands, on such terms as may seem proper, or from selling or leasing any Crown lands with such rights of working any mines or minerals therein, and on such terms and conditions as may be expressed in the grant or lease, and any lands so sold or leased shall not be subject to the provisions of these Regulations.

Rights of the Crown.

62. Nothing in these Regulations shall abridge or control the rights and powers of His Majesty in respect of gold, silver, precious stones, ores, metals, coals, and other minerals whatsoever, otherwise than in these Regulations is expressly provided.

C. ELIOT,
His Majesty's Commissioner.

Mombasa, April 12, 1902.

Allowed:

LANSDOWNE,
His Majesty's Principal Secretary of State for Foreign Affairs.

SCHEDULE (A).

Prospecting Licences.

PROSPECTING Licence is hereby granted to *A. B.* to prospect and search for gold, silver, precious stones, ores, metals, coal, and other minerals on lands within the East Africa Protectorate during the period from to (save such portion of such lands as may be exempted under the provisions of these Regulations), for which licence he has paid in advance the sum of rupees.

(Signed) ,
Commissioner of Mines.
[or other officer, as the case may be.]

SCHEDULE (B).

Before me, Commissioner of Mines [or other officer], for , on the day of , 19 , *A. B.*, residing at , acknowledges himself to be indebted to our Sovereign Lord the King in the sum of 250 rupees, and *C. D.* and *E. F.* severally acknowledge themselves to be indebted to our said Sovereign Lord the King in the sum of 125 rupees to be levied upon their, and each of their, goods and lands, upon condition that the said *A. B.* shall make due and proper repair of any surface damage done by him on any land upon which he shall have obtained a licence to prospect, and for the due payment of the sum accruing to any owner from the said *A. B.* on account of the daily payments the said *A. B.* is required to make under Article 6 of these Regulations for the grazing, wood, and water rights referred to therein.

SCHEDULE (C).

Digger's Licence.

Licence is hereby granted to to mine and dig for gold, silver, and precious stones on the public fields in the East Africa Protectorate during months from , 19 , to , 19 , and to enjoy all privileges secured by law to licensed diggers.

For this licence has been paid the sum of rupees, being the amount for months at per month.

(Signed) ,
Commissioner of Mines.
[or other officer, as the case may be.]

SCHEDULE (D).

Form of Transfer.

I, *A. B.*, of , being registered as the holder of claims, numbered in the register , at , in the district of , in consideration of the sum of , paid to me by *C. D.*, of , the receipt of which sum I hereby acknowledge, do hereby transfer to the said *C. D.* all my right, title, and interest in and to the claims Nos. , and I, the said *C. D.*, hereby accept such transfer.

East Africa Protectorate. 12 Apr. 1902. TS Selected Foreign Office Files on Africa. The National Archives (Kew, United Kingdom). Nineteenth Century Collections Online. Web. 2 May 2016.

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